THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 33930 OF 1997

Date: 28.03.2007

Between:

V. Ramachander.

... Petitioner

and

The Regional Manager, APSRTC, Hyderabad City Region, Picket, Secunderabad and another.

... Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 33930 OF 1997

ORDER:

The petitioner was imposed the punishment of reduction by two incremental stages for a period of two years which would effect his future increments for proved misconduct of unauthorised absence from duty for a period of thirty eight days and the period from the date of his removal from service till he reported for duty was treated as not on duty for the purpose of pay, leave and increments.

The only contention raised by Sri V. Mallik, learned Counsel for the petitioner, is that while, ordinarily, the punishment of withholding of one increment with cumulative effect is imposed, the respondents, in imposing the punishment of reduction by two incremental stages for a period of two years and in treating the period of his absence from the date of his removal till he reported for duty as not on duty, had imposed two punishments for the misconduct held proved. I am afraid I cannot agree. The only punishment imposed on the petitioner was reduction by two incremental stages for a period of two years which would have the effect of future increments. The manner in which the period of his absence in the interregnum, between the date of his removal till he

reported for duty, was treated is not a punishment and is merely the manner of regulating this period of absence. The respondents have chosen to treat this period as not on duty for the purpose of pay, leave and increments. This does not amount to imposition of punishment.

The question whether the respondents should have been imposed the punishment of reduction by two incremental stages for a period of two years, or whether reduction by one incremental stage for a period of one year would have sufficed, are all matters not for this Court, ordinarily, to examine in proceedings under Article 226 of the Constitution of India, for the nature and extent of punishment to be imposed for proved misconduct of a delinquent employee is in the employer's realm. Except in cases where the punishment imposed is one which is not stipulated in the regulations or is one which shocks the conscience of this Court, no interference is called for. For proved misconduct of unauthorized absence from duty for thirty eight days it cannot be said the punishment of reduction by two incremental stages for a period of two years which would have the effect on the petitioner's future increments is a punishment which shocks the conscience of this Court or is a punishment which is not provided for in the regulations. The order of punishment does not necessitate interference under Article 226 of the Constitution of India. The writ petition fails and is accordingly dismissed. No costs.

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Date: 28.03.2007 RAMESH RANGANATHAN, J

MRKR